REMARKS

The above-identified application has been carefully reviewed in view of the Office Action of August 23, 2004. In the Office Action claim 8 was rejected as being anticipated by either Gleason Patent No. 1,488,597 or Wasserman Patent No. 2,089,141. Claims 9 and 16 were rejected as being anticipated by Gleason. Claim 10 was rejected as being anticipated by Wasserman. Claims 1-7, 11-15 and 17 were allowed. Reconsideration of this application in view of the amendments above and the remarks which follow is respectfully requested.

Independent claim 8 was rejected as being anticipated by either Gleason or Wasserman. Claim 8 has been amended above to clarify that the condensate removal system is used in connection with two fluids, namely a primary fluid and condensate, and to specify that the fluid conduit is adapted to be connected in fluid communication with the fluid reservoir such that the fluid conduit is adapted to receive condensate from the reservoir and also primary fluid from the reservoir. Claim 8 has also been amended to specify that the seal mechanism is adapted to inhibit evaporation of condensate within the discharge leg while allowing condensate within the discharge leg to flow through the outlet port to maintain a substantially constant level of primary fluid in the reservoir.

Gleason discloses a trap including a siphon and a seal mechanism at the discharge end of the siphon. At page 1, line 15, Gleason states that an object of the invention is to provide a structure that will permit free flow of drainage and yet will prevent the removal of all liquid from the siphon. As stated at page 1, line 87, in the prior art devices the outflow of water sometimes resulted in the complete drainage of the siphon by the suction of water exiting the siphon. Noxious gases could then flow from the tube 12 through the drained siphon. In Gleason this problem was eliminated by the provision of an air space 18 that results in a breaking of a vacuum and that prevents the withdrawal of the liquid in the siphon by suction of liquid exiting the siphon. The seal mechanism in Gleason is therefore not intended to prevent removal of liquid from the siphon, as this function is provided by the air space 18.

Gleason states at page 1, line 22, that the trap is designed to prevent the emission of gases, even on the removal of liquid from the siphon, which at times is brought about by evaporation, and that the trap further functions to prevent backflow through the siphon. Consequently the seal mechanism in Gleason is not intended to prevent evaporation of water within the siphon, but is intended to act as a one-way valve which prevents gases and liquids from flowing from the outlet 12 back into the siphon 11. There is no disclosure in Gleason that the seal mechanism is intended to prevent evaporation of liquid from the siphon. As the trap in Gleason is used with only a single fluid in the siphon and in the bowl 10, evaporation of the fluid within the siphon would not be prevented by the seal mechanism as the fluid within the siphon can evaporate through the perforated cover 22.

The condensate removal system of claim 8 is used in connection with two fluids, a primary fluid and condensate. The primary fluid prevents evaporation of the condensate through the end of the fluid conduit that is connected to the reservoir and the seal mechanism inhibits evaporation of the condensate through the outlet port of the discharge leg. The seal mechanism of claim 8 inhibits evaporation of condensate through the outlet port of the discharge leg to maintain a substantially constant level of primary fluid in the reservoir. This is not disclosed or suggested in Gleason.

Wasserman, as does Gleason, teaches use of a seal mechanism to prevent fluid back up and the passage of noxious gasses into the outlet end of a trap and outwardly through the inlet of the trap. The trap in Wasserman is used in connection with a single fluid as is the trap in Gleason. The trap in Gleason is not adapted to receive a primary fluid and condensate from a reservoir as required in claim 8. Neither does Wasserman teach the prevention of evaporation of fluid within the trap by a seal mechanism to maintain the level of a second fluid in a reservoir as required in claim 8.

It is respectfully submitted that independent claim 8 is allowable over Gleason and Wasserman for the reasons set forth above.

New claim 18, which depends from claim 8, has been added above which requires that the outlet port be in fluid communication with the atmosphere. In Gleason and Wasserman the outlet ports of the traps are in communication with a plumbing system and not with the atmosphere. It is therefore respectfully submitted that claim 18 is allowable over the cited references.

Independent claim 16 was rejected as being anticipated by Gleason. The method of claim 16 has been amended above to require provision of a fluid reservoir adapted to contain a primary fluid, and a fluid conduit having a seat and a seal member adapted to selectively create a seal with the seat. Claim 16 requires that the discharge leg of the fluid conduit be adapted to contain condensate. Claim 16 also requires that the seal between the seat of the discharge leg the seal member be breakable to allow condensate within the discharge leg to flow through the seat to maintain a substantially constant level of primary fluid in the reservoir.

As discussed above, the trap in Gleason is used in connection with a single fluid, and not with a primary fluid and condensate. Neither is there any teaching in Gleason that the seal mechanism at the discharge end of the siphon is for the prevention of evaporation of fluid within the siphon. Rather the seal mechanism in Gleason is adapted to prevent the backflow of fluid, or the entry of noxious gasses, into the siphon through the discharge end of the siphon. Neither is there any teaching in Gleason that the seal at the discharge end of the siphon should be broken to allow a first fluid to flow through the outlet end of the siphon in order to maintain the level of a second fluid in the bowl 10 at a substantially constant level as required in claim 16. It is therefore respectfully submitted that claim 16 is not anticipated by Gleason and is in condition for allowance.

A new claim 19, which is dependent from claim 16, has been added to the application which requires that the primary fluid have a first specific gravity and that the condensate have a second specific gravity, wherein the second specific gravity is greater than the first specific gravity. There is no disclosure of these features in the cited references. It is respectfully submitted claim 19 is in condition for allowance.

Claims 1-7, 11-15 and 17 were previously allowed. It is respectfully submitted that independent claim 8 as amended above, its dependent claims 9, 10 and 18, independent method claim 16 as amended above, and its dependent claim 19, are now also in condition for allowance. Allowance of these claims is respectfully requested.

Respectfully submitted,

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